

So the amendment was not agreed to.

§82.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. FILNER:

On page 23, line 16, insert the following after the word "made": "in excess of \$490,000".

It was decided in the { Yeas 162
negative } Nays 238

§82.24 [Roll No. 289] AYES—162

Abercrombie	Forbes	Neal
Andrews	Ford	Oberstar
Baessler	Frank (MA)	Oliver
Barcia	Frost	Ortiz
Becerra	Furse	Owens
Beilenson	Gejdenson	Pallone
Bentsen	Gonzalez	Pastor
Berman	Gordon	Payne (NJ)
Bevill	Green (TX)	Payne (VA)
Bilbray	Hamilton	Pelosi
Bishop	Harman	Poshard
Blumenauer	Hastings (FL)	Rahall
Boehlert	Hefner	Rangel
Bonior	Hilliard	Reed
Borski	Hinchey	Richardson
Boucher	Holden	Rose
Browder	Hoyer	Roybal-Allard
Brown (CA)	Jackson (IL)	Rush
Brown (FL)	Jackson-Lee	Sabo
Brown (OH)	(TX)	Sanders
Cardin	Jefferson	Sawyer
Chapman	Johnson, E. B.	Schroeder
Clay	Johnston	Schumer
Clayton	Kanjorski	Scott
Clement	Kaptur	Serrano
Clyburn	Kennedy (MA)	Skaggs
Coleman	Kennedy (RI)	Skelton
Collins (IL)	Kennelly	Slaughter
Collins (MI)	Klecza	Spratt
Condit	LaHood	Stokes
Conyers	Lantos	Studds
Costello	Levin	Stupak
Coyne	Lewis (GA)	Tanner
Cramer	Lipinski	Tejeda
Cummings	Lofgren	Thompson
Danner	Lowe	Thornton
de la Garza	Maloney	Thurman
DeFazio	Manton	Torres
DeLauro	Markey	Trafficant
Dellums	Mascara	Velazquez
Deutsch	Matsui	Vento
Dicks	McDermott	Visclosky
Dixon	McHale	Volkmer
Doggett	McKinney	Walsh
Dooley	McNulty	Ward
Doyle	Meek	Waters
Edwards	Menendez	Watt (NC)
Engel	Millender-	Waxman
Eshoo	McDonald	Whitfield
Evans	Miller (CA)	Williams
Farr	Mink	Wilson
Fattah	Moakley	Wise
Fazio	Montgomery	Woolsey
Fields (LA)	Moran	Wynn
Filner	Nadler	

NOES—238

Allard	Bunning	Cremeans
Archer	Burr	Cubin
Armey	Burton	Cunningham
Bachus	Buyer	Davis
Baker (CA)	Callahan	Deal
Baldacci	Calvert	DeLay
Ballenger	Camp	Diaz-Balart
Barr	Campbell	Dickey
Barrett (NE)	Canady	Dingell
Barrett (WI)	Castle	Doolittle
Bartlett	Chabot	Dornan
Barton	Chambliss	Dreier
Bass	Chenoweth	Duncan
Bateman	Christensen	Dunn
Bereuter	Chrysler	Durbin
Bilirakis	Clinger	Ehlers
Bliley	Coble	Ehrlich
Blute	Coburn	English
Boehner	Collins (GA)	Ensign
Bonilla	Combust	Everett
Bono	Cooley	Ewing
Brownback	Cox	Fawell
Bryant (TN)	Crane	Fields (TX)
Bunn	Crapo	Flanagan

Foley	Latham	Ramstad
Fowler	LaTourette	Regula
Fox	Laughlin	Riggs
Franks (CT)	Lazio	Rivers
Franks (NJ)	Leach	Roberts
Frelinghuysen	Lewis (CA)	Roemer
Frisa	Lewis (KY)	Rogers
Funderburk	Lightfoot	Rohrabacher
Galleghy	Livingston	Ros-Lehtinen
Ganske	LoBiondo	Roth
Gekas	Longley	Roukema
Geren	Lucas	Royce
Gilchrest	Luther	Salmon
Gillmor	Manzullo	Sanford
Gilman	Martini	Saxton
Goodlatte	McCarthy	Scarborough
Goss	McCollum	Schaefer
Graham	McCrery	Schiff
Greene (UT)	McHugh	Seastrand
Greenwood	McInnis	Sensenbrenner
Gunderson	McIntosh	Shadegg
Gutknecht	McKeon	Shaw
Hall (TX)	Meehan	Shays
Hancock	Metcalf	Shuster
Hansen	Meyers	Sisisky
Hastert	Mica	Skeen
Hastings (WA)	Miller (FL)	Smith (MI)
Hayworth	Minge	Smith (NJ)
Hefley	Molinari	Smith (WA)
Heineman	Mollohan	Souder
Herger	Moorhead	Spence
Hilleary	Morella	Stearns
Hobson	Murtha	Stenholm
Hoekstra	Myers	Stump
Hoke	Myrick	Talent
Horn	Nethercutt	Tate
Hostettler	Neumann	Tauzin
Hunter	Ney	Taylor (MS)
Hutchinson	Norwood	Thomas
Hyde	Nussle	Thornberry
Inglis	Orton	Tiahrt
Istook	Oxley	Torkildsen
Johnson (CT)	Packard	Upton
Johnson (SD)	Parker	Walker
Jones	Paxon	Wamp
Kasich	Peterson (MN)	Watts (OK)
Kelly	Petri	Weldon (FL)
Kildee	Pickett	Weller
Kim	Pombo	White
King	Pomeroy	Wicker
Kingston	Porter	Wolf
Klink	Portman	Young (AK)
Klug	Pryce	Zeliff
Knollenberg	Quillen	Zimmer
Kolbe	Quinn	
Largent	Radanovich	

NOT VOTING—33

Ackerman	Hayes	Smith (TX)
Baker (LA)	Houghton	Solomon
Brewster	Jacobs	Stark
Bryant (TX)	Johnson, Sam	Stockman
Flake	LaFalce	Taylor (NC)
Foglietta	Lincoln	Torricelli
Gephardt	Linder	Towns
Gibbons	Martinez	Vucanovich
Goodling	McDade	Weldon (PA)
Gutierrez	Obey	Yates
Hall (OH)	Peterson (FL)	Young (FL)

So the amendment was not agreed to.

§82.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ANDREWS:

Page 55, after line 15, insert the following new section:

SEC. 406. (a) LIMITATION ON USE OF FUNDS FOR CERTAIN SURFACE TRANSPORTATION PROJECTS.—None of the funds made available in this Act may be used to provide, or to pay the salaries or expenses of Department of Transportation personnel who provide, to a State more than \$50,000 in Federal assistance from the Highway Trust Fund (other than the Mass Transit Account) for any surface transportation project except when it is made known to the Federal official having authority to obligate or expend such funds that—

At least 30 days before entering a contract or agreement with a private business entity for the performance of work usually performed by employees of a State under which the State will obligate more than \$50,000, the

State has conducted and submitted a cost-benefit analysis of the project;

(2) the cost-benefit analysis includes a detailed description of—

(A) the costs of labor;

(B) the costs of employer-provided fringe benefits;

(C) the costs of equipment or materials, whether supplied by the State or private contractor;

(D) the costs directly attributable to transferring the work being performed by State employees to a private business entity;

(E) the costs of administering and inspecting the contracted service; and

(F) the costs of any anticipated unemployment compensation or other benefits which are likely to be paid to State employees who are displaced as a result of the contracted services; (3) the cost-benefit analysis includes an analysis of whether it is more cost effective to use employees of a private business entity than to use State employees to perform the work required;

(4) the cost-benefit analysis is accompanied by an analysis of the State's finances and personnel and an analysis of the ability of the State to reassume the contracted service if contracting of the service ceases to serve the public interest;

(5) in the case of a contract or agreement described in paragraph (1) that will result in a decrease in the amount of work assigned to State employees, the cost-benefit analysis demonstrates that—

(A) the contract or agreement will result in a substantial cost savings to the State; and

(B) the potential cost savings of contracting of services are not outweighed by the public's interest in having a particular function performed directly by the State;

(6) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a past performance history of the private business entity contract or agreement, which includes—

(A) work performed for the State under contracts and agreements described in paragraph (1) in the 5-year period ending on the 45th day before the date of entry into the contract or agreement;

(B) if no work was performed for the State under such contracts and agreements during such 5-year period, then any work performed for other States under contracts and agreements described in paragraph (1) in such 5-year period;

(C) with respect to each contract or agreement to which subparagraph (A) or (B) applies, the amount of funds originally committed by the State under the contract or agreement and the amount of funds actually expended by the State under the contract or agreement; and

(D) with respect to each contract or agreement to which subparagraph (A) or (B) applies, deadlines originally established for all work performed under the contract or agreement and the actual date or dates on which performance of such work was completed;

(7) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a copy of any performance bond or any similar instrument that ensures performance by the private business entity under the contract or agreement or certifies the amount of such bond;

(8) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a political contribution history of the private business entity with whom the State is entering into the contract or agreement, which political contribution history lists all political contributions the private business entity has made to political parties and candidates for